

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KENNETH MASON and JULIA WATKINS,

Civil Action No. 07-C-0272 CNC

Plaintiffs,

vs.

LONG BEACH MORTGAGE COMPANY and
DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Defendants.

**LONG BEACH MORTGAGE COMPANY'S UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME TO ANSWER**

Pursuant to Fed. R. Civ. P. 6(b) and Civ. L.R. 7, defendant, Washington Mutual Bank, formerly known as Long Beach Mortgage Company ("Long Beach"), hereby moves the Court for an enlargement of time to respond to the complaint of plaintiffs, Kenneth Mason and Julia Watkins. This motion is unopposed. It is supported by the declaration of Scott T. Schutte.

The grounds for this motion are as follows:

1. The complaint was served on Long Beach on April 10, 2007. Accordingly, Long Beach's answer was due on April 30, 2007.
2. Scott T. Schutte is an attorney who currently represents Long Beach and Washington Mutual Bank in several cases raising claims related to a "1-4 Family Rider," as this case does. In April 2007, Mr. Schutte and another attorney moved from Jenner & Block LLP to Howrey LLP. Due to logistical issues related to this move, including checks of conflicts of interest, Long Beach could not formally retain Scott Schutte and his law firm until May 1, 2007, the day after the answer was due in this case.

3. Once retained, Attorney Schutte immediately contacted plaintiffs' counsel in this case to discuss extending the time for the answer. Attorney Schutte had previously been working on matters for Washington Mutual, brought by the same plaintiffs' counsel, for different plaintiffs, in cases pending in Illinois federal court and elsewhere, and thus was previously interacting with the same plaintiffs' counsel on these other matters. On May 1 and May 2, Attorney Schutte discussed with plaintiffs' counsel Long Beach's intention to seek an enlargement of the time to answer in this case. Counsel for plaintiffs stated that they do not oppose Long Beach's request for an extension of time to answer until June 4, 2007. Plaintiffs' counsel have confirmed in writing that they do not oppose this requested extension of time. Thus, this motion is unopposed.

4. During the May 2nd conversation between counsel, counsel also discussed the plan of plaintiffs' counsel to seek to consolidate all similar cases pending against Washington Mutual in one judicial district before the same federal judge. Counsel are working cooperatively to file the necessary motions to obtain such consolidation and have discussed such issues on earlier occasions as well. This case raises claims under the Truth in Lending Act ("TILA"), including a claim that a "1-4 Family Rider" was used by Long Beach, but not disclosed as allegedly required by TILA. There are several of these "1-4 Family Rider" cases pending against Washington Mutual throughout the United States. Plaintiffs' counsel in this case represents the plaintiffs in those other cases. Four such cases are pending before the U.S. District Court for the Northern District of Illinois. Plaintiffs' counsel plan to file a motion to have three of those cases all reassigned to the same judge in the Northern District of Illinois, before whom one of these cases is pending. For two other cases pending outside Illinois and for this case in Wisconsin, plaintiffs' counsel plan to file a motion with the Judicial Panel on Multidistrict Litigation

(“MDL”) to have all of these cases centralized and consolidated and heard before the same judge in the Northern District of Illinois.

5. Long Beach moves the Court to allow it to file its response to the complaint on or before June 4, 2007. Such extension of time is not intended to delay these proceedings, and this extension will not prejudice the plaintiffs. Rather, Long Beach’s counsel is working with plaintiffs’ counsel in this case and the other related cases to have all the cases consolidated and heard together in the same judicial district, before a single judge.

For these reasons, defendant Washington Mutual Bank, f/k/a Long Beach Mortgage Company, respectfully requests this Court to grant its motion for an enlargement of time to answer until June 4, 2007.

DATED: May 4, 2007.

s/Lisa M. Arent

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Kenneth R. Nowakowski

Lisa M. Arent

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